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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,070	08/15/2001	Senaka Balasuriya	CAS0049	9568
20280	7590	11/16/2004	EXAMINER	
MOTOROLA INC 600 NORTH US HIGHWAY 45 ROOM AS437 LIBERTYVILLE, IL 60048-5343			TRAN, NGHI V	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,070

Applicant(s)

BALASURIYA, SENAKA

Examiner

Nghị V Tran

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al., U.S. Patent Number 6,671,508 (hereinafter Mitsuoka), in view of Wu, U.S. Patent Number 5,933,477.

Taking claim 1 as an exemplary claim, Mitsuoka fails to teach determining a communication priority of the incoming communication and selecting an action based on the rule set of the subscriber using the communication priority and the subscriber status. However, Mitsuoka clearly teaches a method for selecting and executing an action in a communication node (figure 26), the communication node in communication with at least a schedule database and a rules database (figure 14), comprising: receiving an incoming communication directed to a subscriber (S201); determining a status of the subscriber (S202, S204 and S207); accessing the rules database, the rules database

Art Unit: 2151

having a rule set of the subscriber (S203-S205); and executing the action (S211). In communication method, Wu discloses determining a communication priority of the incoming communication and selecting an action based on the rule set of the subscriber using the communication priority and the subscriber status (figure 5; and column 3 lines 6-55). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Mitsuoka in view of Wu by determining a communication priority and selecting an action based on the communication priority and the subscriber status. The motivation for doing so would have been obvious because the rule set of the subscriber using the communication priority and subscriber status allows the message to indicate whether or not the message is priority message, and notify the message recipient of the existence of any priority message when the recipient accesses mailbox.

With respect to claim 2, Mitsuoka further teaches the rule set is a predetermined rule set (column 17, lines 50-66).

With respect to claim 3, Wu further teaches the communication priority of the incoming communication is based on at least one of a caller identity, a device identity, a network identity, a location identity and a priority value (figures 6-7; and column 3 lines 6-55).

With respect to claim 4, Mitsuoka further teaches the subscriber status includes location information (figures 4-5; and column 17 lines 50-66).

With respect to claim 5, Mitsuoka further teaches the subscriber status includes presence information (figures 4 and 8).

With respect to claim 6, Mitsuoka further teaches the presence information is provided by a presence engine (column 22 lines 18-41 and column 23 lines 1-20).

With respect to claim 7, Mitsuoka further teaches the location information is determined from the schedule database (figure 18).

With respect to claim 8, Mitsuoka further teaches the location information is provided by a location determining system (see Mitsuoka's claim 14).

With respect to claim 9, Mitsuoka fails to teach the time being used to determine the subscriber status of the subscriber. However, Mitsuoka clearly teaches the incoming communication. In the wireless communication method, Wu discloses the incoming communication occurs at a time, the time being used to determine the subscriber status of the subscriber (figure 5). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Mitsuoka in view of Wu by specifying the time being used to determine the subscriber status of the subscriber. The motivation for doing so would have been obvious because this feature indicates the current status of the subscriber.

With respect to claim 10, Mitsuoka fails to teach the subscriber status includes priority information. However, Mitsuoka clearly teaches the subscriber status includes the information from at least one of the schedule database (115 and 142), a location engine (112 and 113), a presence engine and the subscriber. In the wireless communication method, Wu discloses the subscriber status includes priority information (figure 5; and column 3 lines 6-55).

With respect to claim 11, Wu further teaches the selection of the action is based on a comparison of the communication priority and the subscriber status (column 4 lines 34-58).

With respect to claim 12, Mitsuoka further teaches the action includes at least one of playing back a message of the subscriber, recording a message of the caller (column 16 lines 10-24), providing a pager number of the subscriber to the caller (figure 6), executing a page to the subscriber, executing a wire-line connection to the subscriber (105), executing a wireless connection to the subscriber (101), and providing subscriber status (115 and 142), location and contact information to the caller (figures 2A and 4).

With respect to claim 13, Mitsuoka further teaches receiving subscriber dynamic feedback in response to the action (column 22 lines 17-42); and executing a subsequent action based on the rule set responsive to the dynamic feedback (column 17 lines 50-66 and figure 4).

Claims 14-20 are also rejected for the same reason set forth in claims 1-13 above.

4. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuoka et al., U.S. Patent Number 6,671,508 (hereinafter Mitsuoka), in view of Christensen et al., U.S. Patent Number 6,081,707 (hereinafter Christensen).

Taking claim 21 as an exemplary claim, Mitsuoka fails to teach voice mail server. However, Mitsuoka clearly teaches a system for selecting and executing an action in a communication node, the node including a voice mail server (figure 29) comprising:

Art Unit: 2151

- a first communication device associated with a caller (111 and 151);
- a second communication device associated with a subscriber (111 and 151);
- a communication network in communication with the first and second communication device and the node (116 and 105);
- a schedule database in communication with the node (142 and 115);
- a rules database in communication with the node (142 and 115); and
- wherein the node is adapted to select and execute an action based on information from the schedule database and the rules database, the action being executed (104, 102, 141, 142, and column 32 line 42 through column 33 line 21).

In the wireless communication, Hitchings discloses the voice mail server (222). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Mitsuoka in view of Hitchings by specifying the voice mail server. The motivation for doing so would have been obvious because the voice mail server provides voice mail service and stores voice communication in the mailbox.

Claim 22 is also rejected for the same reason set forth in claim 21 above.

With respect to claim 23, Mitsuoka further teaches that the node is adapted to receive subscriber dynamic feedback (column 22 lines 17-42) and execute a subsequent action based on the rule set responsive to the dynamic feedback (column 17 lines 50-66 and figure 4).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Operating mode dependent greeting message," by Rautila et al., U.S. Patent Number 6,631,183.
- b. "Process and apparatus for messaging upon incomplete call," by Hanson, U.S. Patent Number 6,766,001.
- c. "Method and apparatus for wireless auto-conferencing," by Kundaje et al., U.S. Patent Application Publication Number 2003/0224816.
- d. "Voice mail server, mobile station and method for voice mail message transmission," by Haumont et al., U.S. Patent Application Publication Number 2001/0019951.
- e. "Voice message presentation on personal wireless devices," by Cruickshank, U.S. Patent Application Publication Number 2002/0077082.
- f. "Method and apparatus for enhanced logged supergroup/multigroup call retrieval," by Connor et al., U.S. Patent Number 5,933,780.
- g. "Apparatus and method for displaying caller attributes," by Macaulay et al., U.S. Patent Number 6,226,512.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

Art Unit: 2151

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Examiner
Art Unit 2151

NT


ZARNI MAUNG
PRIMARY EXAMINER